

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JOAQUIN IRWIN FOY,)
Petitioner,)
v.) Civil Action
MARTY C. ANDERSON, Warden, United) No. 10-3333-CV-S-DW-H
States Medical Center for Federal)
Prisoners,)
Respondent.)

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition herein for a writ of habeas corpus and has submitted to the undersigned a report and recommendation that the petition for a writ of habeas corpus be dismissed with prejudice.

Having fully reviewed the record de novo, the Court agrees with the Magistrate that the petition for habeas corpus relief should be dismissed. It is clear from the record that petitioner has repeatedly filed frivolous petitions, such as the instant case, in which he fails to state a claim. Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis.

It is further

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed with prejudice.

/s/ Dean Whipple
DEAN WHIPPLE
United States District Judge

Date: May 17, 2011